

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL DAVID SILLS)
and MARY SILLS,)
)
Plaintiffs,) CASE NO. 3:23-cv-00478
v.)
) JUDGE WILLIAM L. CAMPBELL, JR.
SOUTHERN BAPTIST CONVENTION,) Magistrate Judge Jeffrey S. Frensley
et al.) JURY TRIAL DEMANDED
)
Defendants.)

**DEFENDANT JENNIFER LYELL'S
MOTION TO DISMISS PLAINTIFFS' CLAIMS**

Defendant Jennifer Lyell hereby moves this Court to dismiss Plaintiffs' claims against her for lack of subject matter jurisdiction pursuant to Rule 12(b)(2) of Federal Rules of Civil Procedure. Defendant Lyell also moves to dismiss Plaintiffs' Complaint for failure to state a claim upon which relief can be granted against her, pursuant to Rule 12(b)(6).

The religious abstention/church autonomy doctrine mandated by the First Amendment to the United States Constitution applies to deprive this Court of subject matter jurisdiction. Plaintiffs' lawsuit is an attack on the Southern Baptist Convention's actions taken in response to the alleged mishandling of sexual abuse claims by the denomination and its leaders, specifically by the Defendant Executive Committee of the Southern Baptist Convention. Plaintiffs' lawsuit attacks, *inter alia*, the methods of the religious denomination's investigation and the reported conclusions of the investigators. Plaintiffs allege in conclusory fashion that the denomination, its leaders, and related entities engaged in a conspiracy to defame them. To try and prove such an

implausible conspiracy, and the other related causes of action, Plaintiffs would be questioning Defendant Southern Baptist Convention’s governance and its response to issues within the denomination.

Plaintiffs’ lawsuit also attacks Defendant Jennifer Lyell’s reporting of the sexual abuse that she suffered from Plaintiff David Sills, including statements that she made to the Southern Baptist Convention and its agents during the denomination’s internal investigation of its leaders’ handling of sexual abuse claims. Her statements about the abuse were truthful, privileged, and not actionable. Moreover, none of these statements were new. Any causes of action Plaintiffs might otherwise have had against Jennifer Lyell arose, if at all, well more than a year ago—indeed, as far back as 2018—and are time-barred by the applicable statutes of limitation. For these reasons, Plaintiffs have failed to state a claim upon which relief can be granted.

In support of this Motion to Dismiss, Defendant Lyell has submitted a Memorandum in Support (with exhibits thereto). Defendant Jennifer Lyell respectfully asks this Court to dismiss all of Plaintiffs’ claims with prejudice and award any other relief as she may prove herself entitled.

Dated July 12, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of July, 2023, the foregoing was served via the court's electronic filing system and/or by email on the following counsel of record:

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